



U.S. Department
of Transportation

**Pipeline and
Hazardous
Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

AUG 12 2005

DOT-E 14145
(FIRST REVISION)

EXPIRATION DATE: July 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U. S. Naval Sea Systems Command
Washington, DC
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the stowage of Class 1 (explosive) materials, in certain locations of a cargo hold above, below and adjacent to specified machinery spaces other than Category A. In addition, it authorizes the handling of Class 1 materials in certain locations of a cargo hold and on the transfer deck (main deck) while in transit and loading and unloading while underway at sea. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ § 176.4(b) and (c) in that explosives are not authorized to be loaded and unloaded while underway at sea; 176.116(c) in that all compartments and magazines of explosives are to be locked or suitably secured; § 176.116(d) in that all explosive materials are to be securely stowed to prevent movement in transit; 176.116(e)(1) in that portions of the cargo hold containing explosives are located above or below a machinery

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space other than Category A, § 176.116(e)(3) in that explosives are stowed in a cargo hold adjacent to a machinery space other than Category A at a distance less than three meters from the machinery space bulkhead, § 176.150 in that all radio and radar equipment is to be secured during unloading, loading, or handling operations.

5. BASIS: This exemption is based on the application of Department of the Navy, Naval Sea Systems Command dated March 29, 2005, submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
As appropriate for Class 1 materials (explosives)	1.1, 1.2, 1.3, 1.5	As Appropriate	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The provisions of this exemption apply only to Class 1 (explosive) materials when packaged in full conformance with the applicable requirements and stowed either as containerized or break-bulk cargo.

b. OPERATIONAL CONTROLS -

(1) When mixed cargoes are loaded with Class 1 material, the Class 1 material must be loaded as far away as practicable, in conformance with the provisions of the HMR, notwithstanding the alternatives granted by this exemption.

(2) When Class 1 material is handled under the terms of this exemption, pre-staging of material on the transfer deck should normally be for less than twenty-four hours in duration, and in all cases must be kept to the minimum necessary to accomplish the evolution. In addition, whenever possible, pre-staged Class 1 material should be placed in locations on the transfer deck as far practicable from accommodations.

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8. SPECIAL PROVISIONS: The following construction and operating requirements apply to this exemption:
- a. Spaces subject to the terms of this exemption are those specified in enclosure (2) to NAVSEA application dated 27 January 2005 and entitled *T-AKE Machinery Spaces Adjacent to Class 1 Cargo Spaces*.
 - b. The transfer deck subject to the terms of this exemption is as specified in enclosure (2) to the NAVSEA application dated 29 March 2005 and entitled *T-AKE Cargo Stowage and Handling Arrangement*.
 - c. Bulkheads and decks separating cargo spaces and machinery spaces covered by this exemption shall be insulated and maintained to A-60 standard.
 - d. Bulkheads and decks separating the transfer deck from the incinerator room and the galley shall be insulated and maintained to a Class A-60 standard.
 - e. Bulkheads and decks separating the transfer deck from any other spaces shall be insulated and maintained to at least a Class A-0 standard.
 - f. When Class 1 cargo is stowed in a hold space adjacent to a machinery space bulkhead as permitted by this exemption, the Class 1 cargo must be stowed a minimum horizontal distance of 0.5 meters from the machinery space bulkhead, insulated to A-60 standard.
 - g. When Class 1 cargo is stowed in a hold space above a machinery space as permitted by this exemption, the Class 1 cargo must be stowed on pallets or an equivalent arrangement that provides an approximate minimum separation of 125 mm above the deck, insulated to A-60 standard.
 - e. When Class 1 cargo is stowed in a hold space below a machinery space as permitted by this exemption, the Class 1 cargo must be stowed a minimum distance of 1.15 meters from the machinery space deck, insulated to A-60 standard.
 - f. Flammable or combustible liquids may not be stowed in the machinery spaces covered by this exemption.

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g. To the extent practicable, when Class 1 cargo is handled on the transfer deck a horizontal distance of 6 m (20 feet) should be maintained from any fire, machinery exhaust, galley uptake, or locker used for combustible stores.

h. To the extent practicable, other hazardous cargo that is involved in handling and transfer and for which segregation from Class 1 cargo is required, must not be pre-staged in locations in the vicinity of the Class 1 cargo.

i. When handling Class 1 cargo, precautions must be taken with explosives sensitive to electromagnetic radiation; the use of non-essential radio and radar equipment during handling operations is not permitted.

j. Pre-staged Class 1 cargo as well as other pre-staged cargo in the vicinity of Class 1 cargo must be suitably secured to prevent unintended sliding or shifting.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.

10. MODAL REQUIREMENTS:

a. This exemption applies only to the following named vessels built under NASSCO Hulls 471 - 482 to the T-AKE Auxiliary Dry Cargo/Ammunition Ship design while they are operating under charter to the United States Navy Military Sealift Command:

<u>NASSCO #</u>	<u>Navy #</u>
471	T-AKE 1
472	T-AKE 2
473	T-AKE 3
474	T-AKE 4
475	T-AKE 5
476	T-AKE 6
477	T-AKE 7
478	T-AKE 8
479	T-AKE 9
480	T-AKE 10
481	T-AKE 11
482	T-AKE 12

b. A current copy of this exemption must be carried on board each vessel when operating under the terms of this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

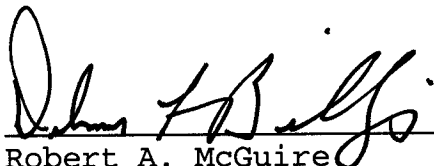
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving cargo transported under terms of this exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

AUG 12 2005
(DATE)

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: USCG/KFW:dl